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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

KRYCINSKI, STANTON L

ART UNIT	PAPER NUMBER
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3637

NOTIFICATION DATE	DELIVERY MODE
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10/17/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/578,321	YOSHIZAWA, TAKENORI	
	Examiner	Art Unit	
	Stanton L. Krycinski	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/2/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) 16, 19, 22, 25, 28, 31, 34, 37, 40, 43 and 46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17, 18, 20, 21, 23, 24, 26, 27, 29, 30, 32, 33, 35, 36, 38, 39, 41, 42, 44, 45, 47 and 48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/25/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's response filed July 2, 2008 to amend the claims, specification, and drawings is acknowledged. Claims 1-48 are pending. Claims 16-48 are newly added claims. New grounds of rejection are set forth based on the amendments.

Election/Restrictions

2. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

- I. Figures 1a, 1b, 2, 3, 4, 5, 11
- II. Figure 21

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

3. The claims are deemed to correspond to the species listed above in the following manner:

Species I. Claims 1-15, and 17, 18, 20, 21, 23, 24, 26, 27, 29, 30, 32, 33, 35, 36, 38, 39, 41, 42, 44, 45, 47, and 48

Species II. Claims 1, 17, 16, 19, 20, 22, 23, 25, 26, 28, 31, 32, 34, 35, 37, 38, 40, 41, and 44

The following claim(s) are generic: 1, 17, 20, 23, 26, 29, 32, 35, 38, 41, and 44

Art Unit: 3637

4. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: the inclination of both the upper and lower contact sections is the same in species I, while the inclination of the upper and lower contact sections of species II is contrary inclination.

5. Newly submitted claims 16, 19, 22, 25, 28, 31, 34, 37, and 40 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the upper and lower contact sections have contrary inclination.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 16, 19, 22, 25, 28, 31, 34, 37, and 40 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Objections

6. Claim **2** is objected to because of the following informalities: it appears “theron” on line 6 is the incorrect spelling of --thereon--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims **1-15, 17, 18, 20, 21, 23, 24, 26, 27, 29, 30, 32, 33, 35, 36, 38, 39, 41, 42, 44, 45, 47, and 48** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3637

9. In regards to Claims 1 and 2, the preamble of the claims recite a substrate carrying tray per se, whereas the body of the claims set forth a combination of a substrate carrying tray with a first substrate carrying tray, and a second substrate carrying tray. It is not clear if the applicant intends to claim the substrate carrying tray in combination with the first and second substrate carrying trays. For the purpose of this office action, the claims are interpreted as claiming a combination of substrate carrying trays.

10. Furthermore, the preamble of the claim recites the use of a substrate placed horizontally on the substrate carrying tray, whereas the body of the claims set forth a combination with a substrate. It is not clear if the applicant intends to claim the substrate carrying tray in combination with a substrate. For the purpose of this office action, the claims are interpreted as claiming a combination of a substrate carrying trays and a substrate.

11. In addition, line 2 of each claim recites an upper stacked substrate carrying tray, whereas lines 5-6 of each claim recites a first substrate carrying tray stacked above the substrate carrying tray claimed in line 1 of each claim. It is not clear if “an upper stacked substrate carrying tray” is the same as “a first substrate carrying tray.” For the purpose of this office action the claims are interpreted as meaning the upper stacked carrying tray and the first substrate carrying tray being the same substrate carrying tray.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3637

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims **1-4, 6, 8, 11, 13, 15, 20, 21, 23, 24, 26, 27, 29, 30, 35, 36, 38, 39, 44, and 45** are rejected under 35 U.S.C. 102(b) as being anticipated by Pakeriasamy (US Patent No. 5,957,293).

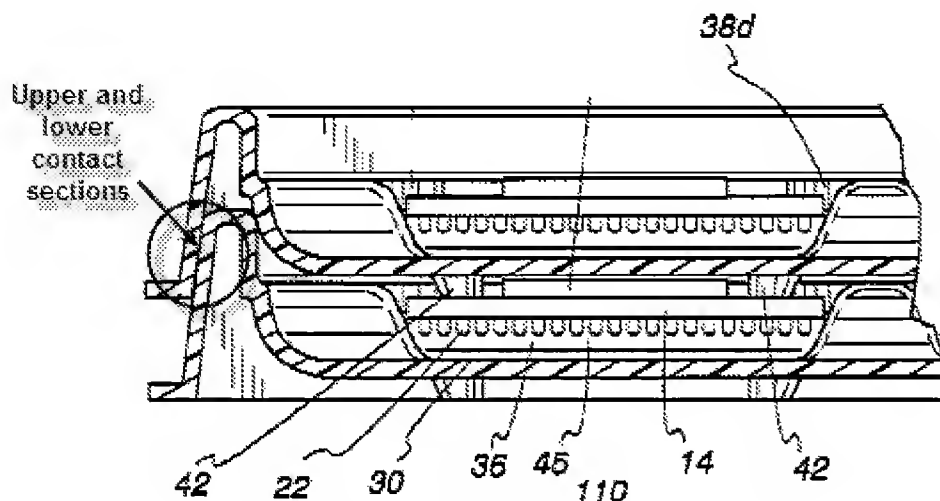


Figure 7. Pakeriasamy (US Patent No. 5,957,293).

14. In regards to Claim 1, Pakeriasamy teaches a *stackable substrate carrying tray* (11b, Figure 1) *on which a substrate* (12, Figure 1) *is placed horizontally* (Column 2, Lines 12-16), *so as to be separated from an upper stacked substrate carrying tray* (11a, Figure 1) (Column 4, Lines 51-56), *comprising:*

an upper contact section; and

a lower contact section (upper and lower contact sections illustrated in Figure 7 above),

the upper contact section contacting, by areal contact (line contact), a first substrate carrying tray (11a) *which is stacked above said substrate carrying tray* (11b)

Art Unit: 3637

with the substrate (12) placed thereon and the lower contact section contacting, by areal contact, a second substrate carrying tray (any number of trays can be stacked, Column 5, Lines 20-23; although Figure 7 does not show a lower substrate carry tray stacked below, it is assumed that there is one below) which is stacked below said substrate carrying tray (11b) with the substrate (12) placed thereon.

15. Pakeriasamy teaches a stackable substrate tray that is nested upon adjacent substrate trays as shown in Figure 7. Therefore, Pakeriasamy's stackable substrate tray is considered to have *the upper and lower contact sections being formed in a shape so as to move, when the first stackable substrate carrying tray (11a) is stacked above said substrate carrying tray (11b), the first substrate carrying tray (11a) in such a direction that a center of gravity of the first substrate carrying tray (11a) is positioned vertically above a center of gravity of said substrate carrying tray (11b).*

16. In regards to Claim 2, Pakeriasamy teaches a *stackable substrate carrying tray (11b, Figure 1) on which a substrate (12, Figure 1) is placed horizontally* (Column 2, Lines 12-16), *so as to be separated from an upper stacked substrate carrying tray (11a, Figure 1) (Column 4, Lines 51-56), comprising:*

an upper contact section; and

a lower contact section (upper and lower contact sections illustrated in Figure 7 above),

the upper contact section contacting, by areal contact (line contact), a first substrate carrying tray (11a) which is stacked above said substrate carrying tray (11b) with the substrate (12) placed thereon and the lower contact section contacting, by areal

Art Unit: 3637

contact, a second substrate carrying tray (any number of trays can be stacked, Column 5, Lines 20-23, although Figure 7 does not show a lower substrate carry tray stacked below, it is assumed that there is one below) which is stacked below said substrate carrying tray (11b) with the substrate (12) placed thereon,

the upper contact section including an upper inclined section, for the areal contact, which is inclined inwardly or outwardly in said substrate carrying tray (11b), and

the lower contact section including a lower inclined section, for the areal contact, which has a same inclined direction as that of the upper inclined section (the entire contact sections are inclined).

17. In regards to Claim 3, Pakeriasamy teaches *the upper and lower contact sections are disposed on a peripheral edge (26a-26d, Figure 1) of the substrate carrying tray (11b, Figure 1).*

18. In regards to Claim 4, Pakeriasamy teaches *the upper inclined section is provided entirely on an upper surface of the upper contact section, and the lower inclined section is provided entirely on a lower surface of the lower contact section (the entire contact sections are inclined).*

19. In regards to Claims 6 and 13, Pakeriasamy teaches *at least one of the upper and lower inclined sections are inclined in a plane manner (contacting planes).*

20. In regards to Claims 8 and 15, Pakeriasamy teaches *the upper and lower inclined sections have an identical shape at respective contact portions (both are inclined flat surfaces).*

Art Unit: 3637

21. In regards to Claim 11, Pakeriasamy teaches *the upper inclined section is provided entirely on an upper surface of the upper contact section, and the lower inclined section is provided entirely on a lower surface of the lower contact section* (the inclined sections span the entire contact sections).

22. In regards to Claims 20 and 21, Pakeriasamy teaches *the substrate carrying tray (11b, Figure 1) has such a shape that there is a space (43, Figure 7) between a lower end of the first substrate carrying tray (11a, Figure 1) and an upper end of the substrate (12, Figure 1) when the substrate (12) is placed on said substrate carrying tray (11b)* (Column 4, Lines 51-56).

23. In regards to Claims 23 and 24, Pakeriasamy teaches *a loading bed (28, Figure 1) for loading the substrate (12, Figure 1) and a frame (26a-26d, Figure 1) provided to surround an outer edge of the loading bed (28), wherein the upper and lower contact sections are formed on the frame (26a-26d)* (Column 3, Lines 60-65, Column 4, Lines 11-14).

24. In regards to Claims 26 and 27, Pakeriasamy teaches *the upper and lower contact sections each has such a shape that a space (43, Figure 7) inside the frame (26a-26d, Figure 1) is an enclosed space when the plural substrate carrying trays (11a, 11b, Figure 1) are stacked on each other* (as shown in Figure 7, Column 4, Lines 51-56).

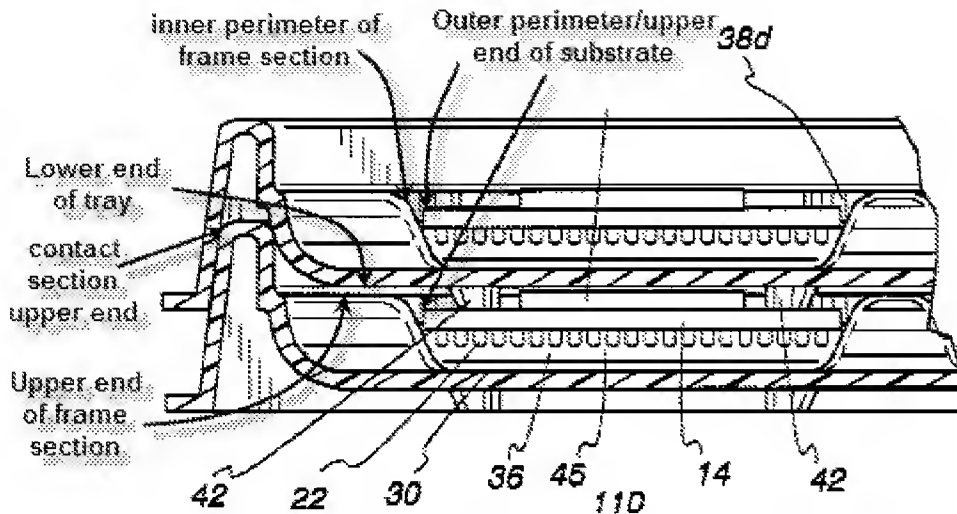


Figure 7. Pakeriasamy (US Patent No. 5,957,293).

25. In regards to Claims 29 and 30, Pakeriasamy teaches *the loading bed (28, Figure 2) includes a frame section (32a-32d, Figure 2) whose inner perimeter is larger than an outer perimeter of the substrate (12, Figure 1) (the top rim of the frame section has an inner perimeter larger than the outer perimeter of the substrate as illustrated in Figure 7 above).*

26. In regards to Claims 35 and 36, Pakeriasamy teaches *the frame section (32a-32d, Figure 2) of the loading bed (28, Figure 2) has such a shape that there is a space between a lower end of the first substrate carrying tray (11a, Figure 7) and an upper end of the frame section (32a-32d) (as illustrated in Figure 7 above).*

27. In regards to Claims 38 and 39, Pakeriasamy teaches *an upper end of the frame section (32a-32d, Figure 2) of the loading bed (30, Figure 2) is lower than an upper end of the upper contact section and higher than an upper end of the substrate (14, Figure 2) placed on the substrate carrying tray (11b, Figure 1) (as illustrated in Figure 7 above).*

Art Unit: 3637

28. In regards to Claims 44 and 45, Pakeriasamy teaches *two or more substrates* (12, Figure 1) *can be vertically placed and carried by a structure* (stacked trays) *that three or more stackable substrate carrying trays* (10, Figure 1) *are stacked* (Column 5, Lines 20-23).

29. Claims **1, 2, 5, 12, 17, 18, 41, 42, 47, and 48** are rejected under 35 U.S.C. 102(b) as being anticipated by Irwin (US Patent No. 1,941,941).

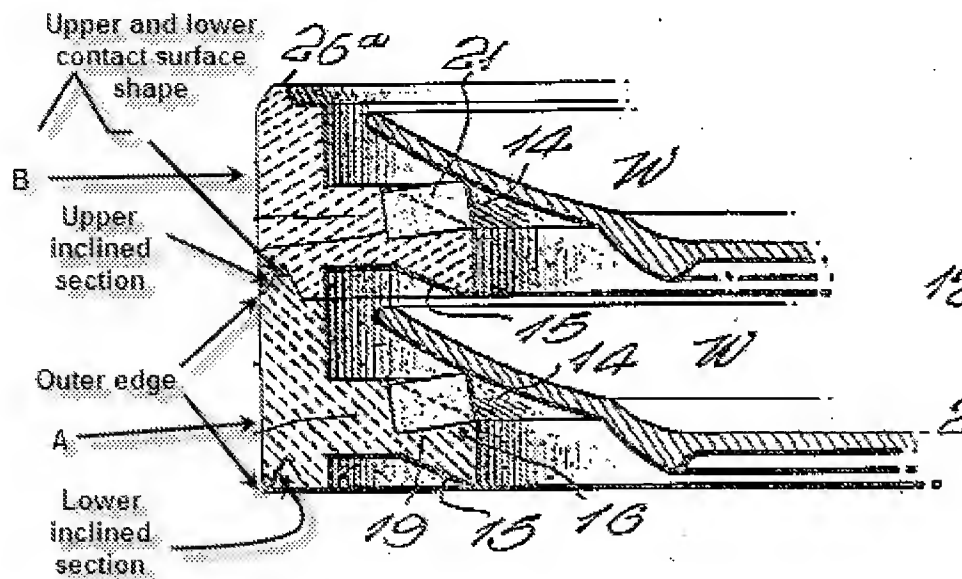


Figure 9. Irwin (US Patent No. 1,941,941).

30. In regards to Claim 1, Irwin teaches a *stackable substrate carrying tray* (one embodiment shown entirely in Figure 2; illustrated as A in Figure 9 above) *on which a substrate* (W, Figure 1) *is placed horizontally* (Column 2, Lines 12-16), *so as to be separated from an upper stacked substrate carrying tray* (as shown in Figure 1, 8 and 9, Column 3, Lines 5-9), *comprising:*

an upper contact section (26a, Figure 8); *and*

Art Unit: 3637

a lower contact section (27a, Figure 8),

the upper contact section (26a) contacting, by areal contact (line contact), a first substrate carrying tray (B) which is stacked above said substrate carrying tray with the substrate (W) placed thereon and the lower contact section (27a) contacting, by areal contact, a second substrate carrying tray (a plurality of trays can be stacked as shown in Figure 1, and 7-9; although Figure 9 does not show a lower substrate carry tray stacked below, it is assumed that there is one below) which is stacked below said substrate carrying tray with the substrate (W) placed thereon.

31. Irwin teaches a stackable substrate tray that is stacked upon adjacent substrate trays with angled contact portions (26a, 27a, Figure 8) that interconnect, and the trays are aligned with each other as shown in Figures 1, and 7-9. Therefore, Irwin's stackable substrate tray is considered to have *the upper and lower contact sections (26a, 27a) being formed in a shape so as to move, when the first stackable substrate carrying tray is stacked above said substrate carrying tray, the first substrate carrying tray in such a direction that a center of gravity of the first substrate carrying tray is positioned vertically above a center of gravity of said substrate carrying tray.*

32. In regards to Claim 2, Irwin teaches a *stackable substrate carrying tray* (one embodiment shown entirely in Figure 2; illustrated as A in Figure 9 above) *on which a substrate (W, Figure 1) is placed horizontally* (Column 2, Lines 12-16), *so as to be separated from an upper stacked substrate carrying tray* (as shown in Figure 1, 8 and 9, Column 3, Lines 5-9), *comprising:*

an upper contact section (26a, Figure 9); and

a lower contact section (27a, Figure 9),
the upper contact section (26a) contacting, by areal contact (line contact), a first substrate carrying tray (B) which is stacked above said substrate carrying tray with the substrate (W) placed thereon and the lower contact section (27a) contacting, by areal contact, a second substrate carrying tray (a plurality of trays can be stacked as shown in Figure 1, and 7-9; although Figure 9 does not show a lower substrate carry tray stacked below, it is assumed that there is one below) which is stacked below said substrate carrying tray with the substrate (W) placed thereon.

the upper contact section (26a) including an upper inclined section, for the areal contact, which is inclined inwardly or outwardly in said substrate carrying tray, and

the lower contact section (27a) including a lower inclined section, for the areal contact, which has a same inclined direction as that of the upper inclined section (inclined sections illustrated in Figure 9 above).

33. In regards to Claim 3, Irwin teaches *the upper and lower contact sections (26a, 27a, Figure 7) are disposed on a peripheral edge (12, Figure 9) of the substrate carrying tray.*

34. In regards to Claims 5 and 12, Irwin teaches *the upper inclined section is provided on a portion including an outer edge or inner edge of an upper surface of the upper contact section (26a, Figure 9), and the lower inclined section is provided on a portion of the lower contact section (27a, Figure 9), the portion including an edge corresponding to an edge on which the upper inclined section is disposed (as illustrated in Figure 9 above).*

Art Unit: 3637

35. In regards to Claims 17 and 18, Irwin teaches *the substrate carrying tray has such a shape that the first substrate carrying tray is not in contact with the substrate (W, Figure 9) when the substrate (W) is placed on said carrying tray (as shown in Figures 1, 8 and 9, Column 3, Lines 5-9).*

36. In regards to Claim 41 and 42, Irwin teaches *the upper and lower contact sections (26a, 27a, Figure 8 and 9) each has such a shape that the upper and lower contact sections (26a, 27a), connected to each other, constitute a post (an upward extending structure) which extends vertically when the plural substrate carrying trays are stacked on each other (as shown in the cross-sectional views in Figures 8 and 9).*

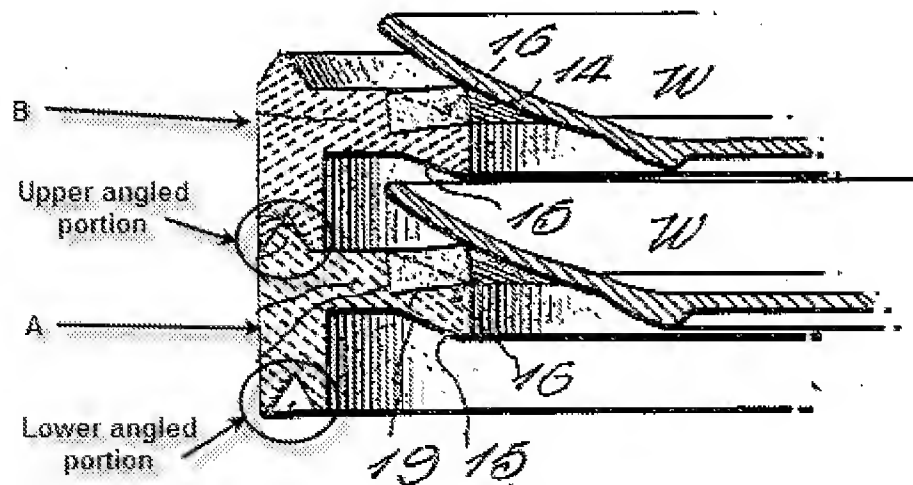


Figure 7. Irwin (US Patent No. 1,941,941).

37. In regards to Claims 47, Irwin teaches *the upper contact section (26a, Figure 7) contacting the first substrate carrying tray which is stacked above said substrate carrying tray by only an angled portion of the upper contact section (26a) and the lower contact section (27a, Figure 7) contacting the second substrate carrying tray which is stacked below said substrate carrying tray by only an angled portion of the lower*

Art Unit: 3637

contact section (27a), and wherein the angled portion of the upper contact section and the angled portion of the lower contact section have equal width and the same inclination (the contact sections are entirely angled portions as illustrated in Figure 7 above in an embodiment of the contacting sections; the figure shows two tray, although multiple trays can be stacked).

38. In regards to Claim 48, Irwin teaches *the upper contact section (26a, Figure 9) contacting the first substrate carrying tray which is stacked above said substrate carrying tray by only the surface of the upper contact section (26a) and the lower contact section (27a, Figure 9) contacting the second substrate carrying tray which is stacked below said substrate carrying tray by only the surface of the lower contact section (27a), and wherein the surface of the upper contact section (26a) and the surface of the lower contact section (27a) have the same surface area, the same shape (triangular with flat side), and the same inclination (as illustrated in Figure 9 above; the figure shows two trays, although multiple trays can be stacked).*

Claim Rejections - 35 USC § 103

39. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

40. Claims **7 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Irwin (US Patent No. 1,941,941) in view of Narazaki et al. (US Patent No. 6,202,883 B1).

Art Unit: 3637

41. Irwin fails to teach at least one of the upper and lower inclined sections are inclined in such a curved manner that a gradient is downwardly moderate. Narazaki et al. teaches a stackable substrate carrying tray (10, Figure 1) comprising an outer frame (13, Figure 2A) with upper and lower contact sections, wherein the contact sections are *inclined in such a curved manner that a gradient is downwardly moderate* (Column 6, Lines 15-21).

42. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Irwin's upper and lower contact sections to be inclined in a curved manner for the purpose of providing an alternative structure for stacking the trays in a reliable manner as suggested by Narazaki et al. (Column 6, Lines 21-23).

43. Claims **9, 32, and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pakeriasamy et al. (US Patent No. 5,957,293).

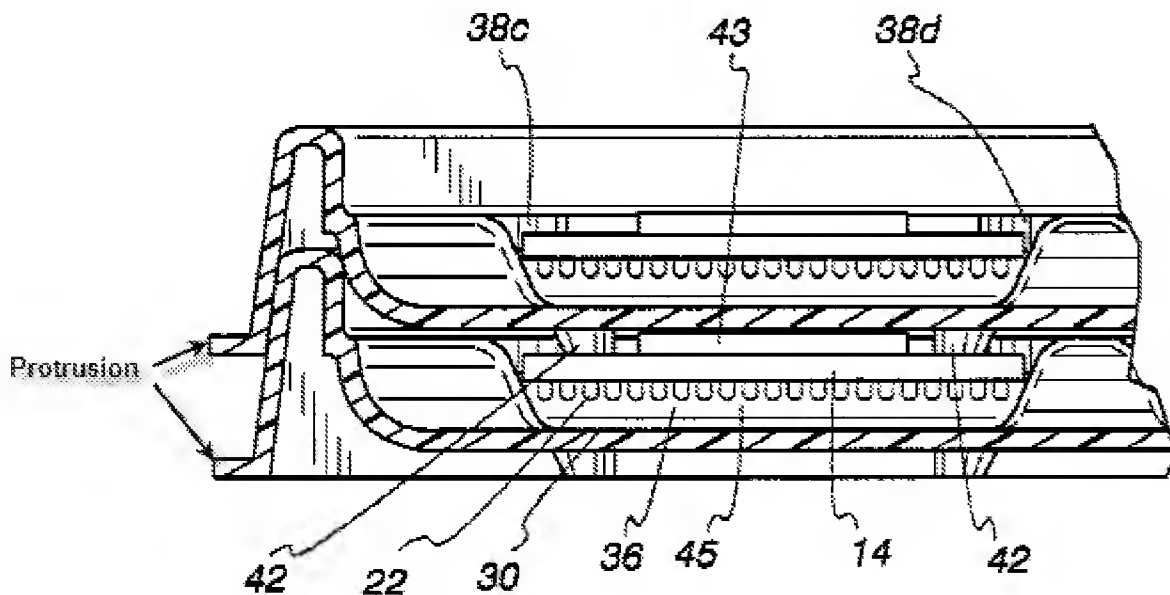


Figure 7. Pakeriasamy (US Patent No. 5,957,293).

Art Unit: 3637

44. In regards to Claim 9, Pakeriasamy teaches a protrusion (as illustrated in Figure 7 above) that is capable of engaging a chuck for catching the tray (11b, Figure 7), wherein the protrusion is different from the upper and lower contact sections. The protrusion is an extension of the outside of the peripheral edge (26a-26d, Figure 1) with space between adjacent protrusions as shown in Figure 7, therefore a chuck is considered capable of engaging the protrusions.

45. In regards to Claims 32 and 33, Pakeriasamy teaches a substrate carrying tray (11b, Figure 7) with stand-offs (42, Figure 7) that engage the top surface of the substrate (14, Figure 7). However, Pakeriasamy teaches the stand-off structure (42) as an improvement of prior art substrate carrying trays wherein the stand-offs are omitted (Column 4, Lines 40-55).

46. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pakeriasamy's tray to have *the frame section (32a-32d, Figure 2) of the loading bed (30, Figure 2) has such a shape that the first substrate carrying tray (11a, Figure 7) is not in contact with the substrate (14, Figure 7) when the substrate (14) is placed on said substrate carrying tray (11b, Figure 7), as a matter of obvious design choice.*

47. Claim **10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Irwin (US Patent No. 1,941,941) in view of Christy et al. (US Patent No. 3,695,424).

48. Irwin fails to teach *the tray includes a protrusion that engages a chuck for catching the tray, the protrusion outwardly protruding from an outer edge surface of the peripheral edge (12, Figure 9) of the tray, the outer edge surface is formed, in a plane*

Art Unit: 3637

manner, in such a direction that becomes a vertical direction when the tray is placed horizontally, and the upper and lower contact sections (26a, 27a, Figure 9) are provided inwardly from the outer edge surface.

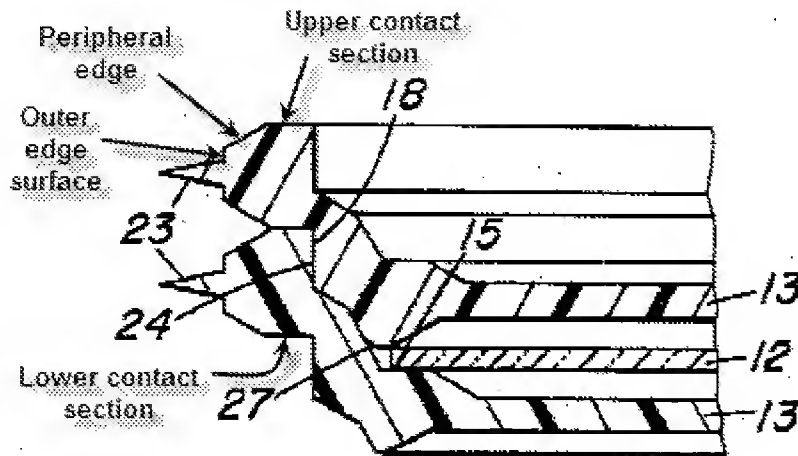


Figure 5. Cristy et al. (US Patent No. 3,695,424).

49. Cristy et al. teaches a stackable substrate carrying tray (11, Figure 1), wherein *the tray (11) includes a protrusion (23, Figure 5) that is capable of engaging a chuck for catching the tray (11), the protrusion (23) outwardly protruding from an outer edge surface of the peripheral edge of the tray (11), the outer edge surface is formed, in a plane manner, in such a direction that becomes a vertical direction when the tray (11) is placed horizontally, and the upper and lower contact sections are provided inwardly from the outer edge surface (as illustrated in Figure 5 above).*

50. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Irwin's tray to have a protrusion on the peripheral edge capable of engaging a chuck as addressed above, for the purpose of allowing the trays

Art Unit: 3637

to be grasped and separated from each other as suggested by Cristy et al. (Column 5, Lines 2-5).

Response to Arguments

51. Applicant's arguments with respect to Claims 1-48 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

52. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

53. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jackson (US Patent No. 46,109), Bradley (US Patent No. 738,980), Howell (US Patent No. 1,384,468), Fear (US Patent No. 1,877,424), Howell (US Patent No. 1,971,784), Braddock (US Patent No. 2,352,684), Guinane (US Patent

Art Unit: 3637

No. 2,738,564), Shelton (US Patent No. 4,144,968), Nemoto (US Patent No. 5,418,692), Kato et al. (US Patent No. 6,179,127 B1), Muka (US Patent No. 6,193,506 B1), Lue et al. (US Patent No. 6,264,467 B1), Sembonmatsu et al. (US Patent No. 6,357,595 B2), Yoshizawa (US Patent Application Publication No. 2004/0020823 A1), Suzuki et al. (US Patent Application Publication No. 2004/0181938 A1), Chen et al. (US Patent No. 6,809,936 B2), Yoshizawa et al. (US Patent Application Publication No. 2005/0069402 A1), Ono et al. (US Patent No. 6,914,771 B2), Matsubara et al. (US Patent Application Publication No. 2005/014488 A1) teach stackable trays.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stanton L. Krycinski whose telephone number is 571-270-5381. The examiner can normally be reached on Monday-Thursday, 7:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3637

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/S. L. K./
Examiner, Art Unit 3637

/Lanna Mai/
Supervisory Patent Examiner, Art Unit 3637